APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,383	11/14/2000	Antonius Adriaan Maria Staring	PHN17384	3621

7590 11/16/2004	EXAMINER
Philips Elcetronic North American Corp.	DADA, BEEMNET W
580 White Plains Rd.	
Tarrytown, NY 10591	

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Application No.	Applicant(s)
09/700,383	STARING ET AL.

Examiner	Art Unit	
Beemnet W Dada	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 July 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-11</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-11</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

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Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
      Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-7 have been amended, new claims 8-11 have been added on an amendment

filed on 7/19/2004. Claims 1-11 have been examined.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Blaukovitsch et al. (hereinafter Blaukovitsch) (US Patent No. 6,535,858 B1) in view of Tanoue et

al. (hereinafter Tanoue) (US Patent No. 6,128,260).

4.   As per claims 1 and 5-7, Blaukovitsch teaches a method for providing copy-protection

services on a data storage medium [column 1, lines 7-11], wherein the stored data is arranged

in sectors [column 1, lines 17-24], a tagging part being associated with each sector (for example

see figure 3, ECC, auxiliary data, Header), wherein the tagging part of said sector comprises a

field (S4t), (for example see subcode Q field, figure 5 and column 2, lines 20-39), and the

stored data being stored in encrypted form on said data storage medium with an encryption key

that is at least in part derived from values of at least some of said field [column 3, lines 45-64

and column 4, lines 1-9, 31-40]. Furthermore, Blaukovitsch teaches subcode q field values are

normally not copied from one disk to another, but are newly generated during a copy process

[column 5, lines 3-8]. Blaukovitsch does not explicitly teach storing a value R in the field which is

randomly changed with each write access to the sector. Tanoue teaches an information

recording medium, where information is recorded in units of sectors, each sector having multiple

fields including a field for storing a random value, for randomizing sector locations within the

storage medium during a block write [column 2, lines 29-54]. Therefore it would have been

obvious to one having ordinary skill in the art at the time the invention was made to store

random value R in the field, which is randomly changed with each write access as per teachings

of Tanoue and employ it within Blaukovitsch copy-protection system in order to prevent

interference between successive sectors by randomizing sectors in the storage medium.

5.   As per claims 2 and 10, the combination of Blaukovitsch and Tanoue teaches the

method as applied above. Furthermore, Blaukovitsch teaches the method, wherein the data

storage medium is a removable memory module [column 1, lines 4-11].

6.   As per claims 3 and 11, the combination of Blaukovitsch and Tanoue teaches the

method as applied above. Furthermore, Blaukovitsch teaches the method, wherein the

encryption key is derived from the values of said field associated with sectors in which rights

and/or usage information is stored (for example where Error Correction Code is stored) [column

2, lines 20-34 and column 4, lines 37-41].

7.   As per claim 4, the combination of Blaukovitsch and Tanoue teaches the method as

applied above. Furthermore, Blaukovitsch teaches the method, wherein the encryption key is

derived from values of said s4t field associated with sectors in which the content is stored [column 4, lines 1-9, 31-40].

8.   As per claims 8 and 9, the combination of Blaukovitsch and Tanoue teaches the method as applied above. Furthermore, Blaukovitsch teaches the method, wherein each sector is organized as a 512 byte sector and the tagging part associated with each sector is 16 bytes (sector of equal length, see column 1, lines 17-21 and different bit values of subcode column 2, lines 27-67).

Response to Arguments

9.   Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).
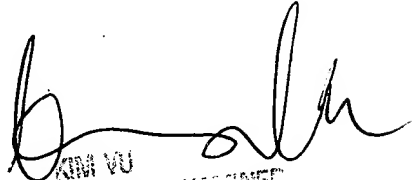
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

November 3, 2004

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

		Application/Control No. 09/700,383	Applicant(s)/Patent Under Reexamination STARING ET AL.	
Notice of References Cited		Examiner Beemnet W Dada	Art Unit 2135	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,535,858	03-2003	Blaukovitsch et al.	705/57
	B	US-6,128,260	10-2000	Tanoue et al.	369/59.25
	C	US-6,580,682	06-2003	Kamperman et al.	369/275.3
	D	US-6,104,679	08-2000	Sollish, Baruch	369/53.21
	E	US-2003/0185130	10-2003	Kamperman et al.	369/59.25
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.